

REMARKS

Claims 1-24¹ are all the claims pending in the application. In summary, the Examiner maintains many of the same rejections set forth in the previous Office Action, however the Examiner adds a few new arguments in the *Response to Arguments* section of the present Office Action. Specifically, claims 1, 2, 4, 6, 7, 12, 13, 15, 17, 18 and 21 remain rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Hwang (WO 00/74275). Claims 3, 10, 14 and 23 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang in view of Rune (U.S. Patent Appln. No. 2003/0012173). Claims 5, 8, 16 and 19 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang in view of “Specification of the Bluetooth System” (XP-002214950), hereinafter “Bluetooth specifications”. Claims 9 and 20² remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang in view of Rinchiuso (U.S. Patent Appln. Pub. No. 2002/0090004). Finally, claims 11 and 22 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang in view of Uchida (U.S. Patent Appln. No. 2001/0055973).

§102(a) Rejections (Hwang) - Claims 1, 2, 4, 6, 7, 12, 13, 15, 17, 18 and 21

The Examiner rejects the above identified claims for the reasons set forth on pages 2-3 of the present Office Action, and adds a few new arguments in the *Response to Arguments* section

¹ The Examiner indicates that claims 1-23 are all the claims pending in the application, however there are 24 claims in this application. Applicant assumes that independent claim 24 is allowed since this claim is not rejected.

² The Examiner actually indicates that claims 9 and 21 are rejected over Hwang in view of Rinchiuso, however based on the context of the rejection, it is clear that the Examiner intended to indicate that claims 9 and 20 are rejected over Hwang and Rinchiuso.

of the present Office Action. Applicant traverses the Examiner's rejections of the above-identified claims at least based on the following reasons.

With respect to independent claim 1, in the previous Response dated December 10, 2004, it was previously argued that Hwang fails to disclose or suggest at least, "a controller for obtaining a number of transmittable channels of a counterpart wireless communication apparatus that the wireless communication apparatus intends to communicate with, and processing to transmit the data through the transmitting portion according to the obtained number of transmittable channels," as recited in claim 1. *See pages 3-4 of the December 10th Response.* In response, in the *Response to Arguments* section of the present Office Action, the Examiner alleges:

The applicant argues that the Hwang reference does not disclose a method of obtaining a number of transmittable channels of a counterpart wireless communication apparatus and further the controller transmits data through the transmitting portion according to the number of transmittable channels.

The Examiner respectfully disagrees and draws the Applicant's attention to the Hwang reference. Hwang discloses a method where a message is received in the physical layer of the base station and further a method where this message that is related to packet data service is processed and accordingly the number of supplemental channels are assigned to transmit the required data by the counterpart wireless communication apparatus. The supplemental channels here [are] the transportable channels since they transport the required amount of data by the counterpart wireless communication apparatus. See page 8.

In response, Applicant submits that even if, *arguendo*, the supplemental channels, as set forth in Hwang, are the transportable channels (as the Examiner alleges), there is still no mention in Hwang of a controller that obtains a number of transmittable channels of a counterpart wireless communication apparatus, and processing to transmit the data through the transmitting

portion according to the obtained number of transmittable channels. As pointed out in the December 10th Response, assigning or releasing some supplemental channels does not correspond to the above-quoted feature of claim 1. Hwang is ambiguous on the features quoted above. Such ambiguity cannot be held against the Applicant. Therefore, at least based on the foregoing and the arguments set forth in the December 10th Response, Hwang does not anticipate independent claim 1.

Applicant submits that independent claim 12 is patentable at least for reasons similar to those set forth above with respect to claim 1. Applicant submits that dependent claims 2, 4, 13 and 15 are patentable at least by virtue of their respective dependencies.

Further, with respect to dependent claims 2 and 13, in the previous Response, it was argued that Hwang does not teach or suggest at least, "when the counterpart wireless communication apparatus receives the data through a plurality of frequency channels, the controller transmits the data through the plurality of frequency channels to the counterpart wireless communication apparatus," as recited in claim 2 and similarly recited in claim 13. Applicant submits that the Examiner does not even respond to this particular argument, and maintains that Hwang does not disclose the above-quoted features of claim 2 and 13.

With respect to independent claim 6, it was previously argued that Hwang does not teach or suggest at least, "a controller for dividing the data for transmission by a number of frequency channels, and processing to transmit the data to a counterpart wireless communication apparatus intended to communicate with," as recited in claim 6. Again, the Examiner does not respond to this previously submitted argument, and Applicant maintains that claim 6 is patentable at least because Hwang does not disclose the above-quoted features of claim 6.

Applicant submits that independent claim 17 is patentable for reasons similar to those set forth above with respect to claim 6.

Applicant submits that dependent claims 7, 18, and 21 are patentable at least by virtue of their respective dependencies.

§103(a) Rejections (Hwang/Rune) - Claims 3, 10, 14 and 23

The Examiner rejects claims 3, 10, 14 and 23 over the combination of Hwang and Rune for the reasons set forth on pages 3-4 of the present Office Action. Applicant traverses these rejections at least based on the following reasons.

First, Applicant submits that dependent claims 3, 10 and 14 are patentable at least by virtue of their respective dependencies. Rune does not make up for the deficiencies of Hwang.

Further, in the previous Response, Applicant sets forth specific reasons why the combination of Hwang and Rune fails to disclose the claimed invention, as set forth in claims 3, 10 and 14 (*see paragraph bridging pages 5 and 6 of Response dated December 10, 2005*), however the Examiner does not respond to these particular arguments. Therefore, at least based on the foregoing and the arguments set forth in the previous Response, Applicant maintains that claims 3, 10 and 14 are allowable over the prior art.

Applicant submits that independent claim 23 is patentable at least for reasons similar to those set forth above with respect to claim 1. That is, the applied references, either alone or in combination, do not teach or suggest at least, "a wireless communication system comprising a plurality of wireless communication apparatuses operated as a master or a slave, wherein the wireless communication apparatus operated as the master divides data for transmission by a number of a plurality of frequency channels, and transmits the data to a wireless communication

apparatus operated as the slave", as recited in claim 23. Rune does not make up for the deficiencies of Hwang.

§103(a) Rejections (Hwang/Bluetooth Specifications) - Claims 5, 8, 16 and 19

The Examiner rejects these claims for the reasons set forth on pages 4-5 of the present Office Action.

Applicant submits that dependent claims 5, 8, 16 and 19 are patentable at least by virtue of their dependencies from independent claims 1, 6, 12, and 17, respectively. The Bluetooth Specifications fails to make up for the deficiencies of Hwang.

§103(a) Rejections (Hwang/Rinchiuso) - Claims 9 and 20

The Examiner rejects claims 9 and 20 for the reasons set forth on pages 5-6 of the present Office Action.

Applicant submits that dependent claims 9 and 20 are patentable at least by virtue of their respective dependencies from claims 6 and 17. Rinchiuso does not make up for the deficiencies of Hwang.

§103(a) Rejections (Hwang/Uchida) - Claims 11 and 22

Claims 11 and 22 are rejected for the reasons set forth on pages 6-7 of the present Office Action.

Applicant submits that a certified English translation of the priority document was submitted on December 10, 2004, to perfect priority of the present application. The priority document of this application was filed on February 3, 2001, which is prior to the filing of Uchida on June 26, 2001, therefore Applicant respectfully requests removal of Uchida as a reference.

RESPONSE UNDER 37 C.F.R. § 1.116
U. S. Application No. 10/003,417

ATTORNEY DOCKET NO. Q65283

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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